IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 34149 of 2006(M)

PETITIONER:

PHILOMINA GEORGE,
CLERICAL ASSISTANT, MAHILA PRADHAN AGENTS
WELFARE SOCIETY, REG.NO.K-305/97, COLLECTORATE,
KOTTAYAM.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOTTAYAM.

Addl.2. THE MAHILA PRADHAN AGENTS' WELFARE SOCIETY,
REG.NO.K-305/97, REP: BY ITS SECRETARY,
COLLECTORATE, KOTTAYAM.

(Impleaded as per order in IA.No.1717/2007 dated 12-2-2007.)

BY GOVT. PLEADER SHRI.BIJOYCHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.34149 OF 2006-M.

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Dated this the 20th day of March, 2007.

J U D G M E N T

The petitioner is working as Clerical Assistant in Mahila Pradhan Agents Welfare Society, Kottayam. The 1st respondent is the Ex-officio President of the above Society which has been impleaded as additional 2nd respondent. The relief prayed for by the petitioner is for a direction to the 1st respondent to disburse the salary due to him from July, 2006 onwards.

2. Government Pleader, on instructions, submits that a sum of Rs.22,800/- has been found to be loss sustained by the additional 2nd respondent and an enquiry is going on as to who shall be the person to be made responsible for such loss.

3. Pending enquiry, the emoluments due to the petitioner have not been disbursed.

4. Counsel for the petitioner submits that monthly emoluments due to the petitioner would come to Rs.4,500/- and that the petitioner has been discharging

his duties as Clerical Assistant without any interruption, and therefore, even assuming that the petitioner is to be made responsible for the loss of Rs.22,800/-, the emoluments due to him will work out to double the amount of the loss already calculated as loss sustained to the addl.2nd respondent.

5. In the above circumstances, I think the writ petition itself can be disposed of directing the respondents to see that the petitioner is paid the amount due to him by way of emoluments and other service benefits less Rs.22,800/-, as early as possible, in any event, within one month from today. Enquiry into the alleged loss of Rs.22,800/-shall be expedited and finalised, at any rate, within two months from the date of receipt of a copy of this judgment. Depending upon the result of the enquiry, the right of the petitioner to receive the balance emoluments shall be taken up for consideration and whatever amount is found due to be paid to him shall be paid immediately thereafter.

6. In the nature of the order I have passed as

above, notice is not issued to the addl.2nd respondent. With the above directions and observations, this writ petition is disposed of.

The petitioner shall produce a copy of the writ petition together with a copy of this judgment before respondents 1 and 2, for information and action.

K.K.DENESAN, JUDGE.

kvs/-